

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERNEST WASHINGTON,)	
)	
Plaintiff,)	
)	No. 3:15-cv-00689
v.)	
)	Judge Sharp
)	Magistrate Judge Holmes
MICHAEL CORLEW,)	
)	
Defendant.)	

ORDER

Plaintiff Ernest Washington, who is currently confined at the Metro-Davidson County Detention Facility (“MDCDF”), filed a civil rights complaint pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. Specifically, Plaintiff claims that he was denied a job in the MDCDF kitchen in retaliation for his filing of grievances. He asserts that this retaliatory conduct violates his rights under the First Amendment.

Defendant Michael Corlew¹ has filed a Motion for Summary Judgment, (Docket No. 42), to which Plaintiff has not responded to other than by filing an unsigned response to the Statement of Undisputed Material Facts, (Docket No. 51). Plaintiff has also filed a motion requesting that the Court “move forward with the case,” (Docket No. 49).²

Magistrate Judge Holmes has issued a Report & Recommendation (Docket No. 57) (“R & R”) in which she recommends that Defendant’s Motion for Summary Judgment be granted and this case dismissed. In her R & R, Magistrate Judge Holmes finds that the denial of the job in the MDCDF kitchen is not sufficiently adverse to support a claim of retaliation. She also finds

¹ In a previous Order, this Court has dismissed Plaintiff’s claims against the Correction Corporation of America and Blair Leibach. (Docket No. 5).

² This Court previously declined to exercise its discretion to appoint counsel. (Docket No. 5).

that Plaintiff cannot prove causation because Plaintiff did not file grievances until *after* his job classification had been determined. His grievances therefore could not have been a motivating factor in the job classification decision. Finally, Magistrate Judge Holmes notes that the minimal evidence Plaintiff has adduced in this case is insufficient to rebut a motion for summary judgment.

Plaintiff filed a timely objection to the R & R. (Docket No. 59). However, the objection merely reiterates Plaintiff's request for the appointment of counsel. The objection does not address the contents of the R & R or dispute its findings. Additionally, Magistrate Judge Holmes has since properly denied Plaintiff's request for counsel. (Docket No. 62).

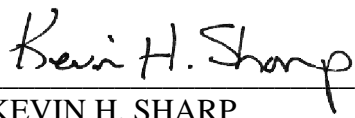
Having considered the matter de novo as required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition.

Accordingly, the Court hereby rules as follows:

- 1) The Report and Recommendation (Docket No. 57) is ACCEPTED and APPROVED;
- 2) Defendant's Motion for Summary Judgment (Docket No. 42) is GRANTED;
- 3) Plaintiff's claims are DISMISSED WITH PREJUDICE; and
- 4) Plaintiff's Motion asking the Court to move forward with the case, (Docket No. 49),
is TERMINATED AS MOOT.

The Clerk of the Court shall enter judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE